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11 SYMANTEC CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16 | DIGITAL REG OF TEXAS, LLC,

) Case No.: 4:12-cv-01971-CW (KAW)

17 Plaintiff,

18 || v.

BAUDLER IN SUPPORT OF

19 ADOBE SYSTEMS INCORPORATED,
20 VALVE CORPORATION, ELECTRONIC
ARTS, INC., UBISOFT ENTERTAINMENT,
INC., SYMANTEC CORPORATION, INTUIT
INC., AVG TECHNOLOGIES USA, INC.,
21 ZYNGA GAME NETWORK INC., and
22 ZYNGA INC

) PARTIAL SUMMARY JUDGMENT
) OF NONINFRINGEMENT BASED ON
) DIGITAL REG'S LICENSE TO
) MICROSOFT

23 || Defendants.

Honorable Claudia Wilken

24

25

26

27

28

1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati P.C., and
2 I am admitted to practice law in the State of California and before this Court. I make this
3 declaration in support of Defendants' Motion for Partial Summary Judgment of Non-
4 infringement Based on Digital Reg's License to Microsoft. I have personal knowledge of the
5 facts set forth herein and, if called as a witness, could and would testify competently thereto.

6. 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from Digital
7 Reg's infringement contentions against Symantec, served on October 28, 2011.

8. 3. Attached hereto as Exhibit B are true and correct copies of pages published on
9 Symantec's web site showing the system requirements for Norton AntiVirus, Norton Internet
10 Security, and Norton 360, which indicate that each of these products requires a Microsoft
11 operating system.

12. 4. Attached hereto as Exhibit C are true and correct copies of pages published on
13 Symantec's web site showing the system requirements for the Mac versions of Norton
14 AntiVirus and Norton Internet Security.

15. I declare under penalty of perjury that the foregoing is true and correct and based on my
16 personal knowledge.

17. Executed on June 13, 2013, in Palo Alto, California.

19. By: /s/ Holly B. Baudler
20 Holly B. Baudler

Exhibit A

6,751,670 "Tracking Electronic Content"

Plaintiff accuses the provision, use and operation of the Symantec Software Activation of directly infringing U.S. Patent No. 6,751,670 (the "670 patent"). The term "Accused System and Method" means the Symantec Software Activation and all associated computer hardware, software and digital content.

Plaintiff further accuses Symantec of indirectly infringing the '670 Patent through providing, authorizing and instructing regarding the Accused System and Method to others, including its customers. Installing or activating the Accused System and Method and the operation thereof directly infringe the asserted claims. Symantec intends to cause infringement by its customers and users. Symantec instructs users to use the Accused System and Method in an infringing manner. Symantec further instructs users to configure and operate the Accused System and Method in an infringing manner. Symantec also provides support services for the Accused System and Method, including providing instructions, guides, online materials and technical support.

The asserted claims include elements that are implemented, at least in part, by proprietary electronics and software in the Accused System and Method. The precise designs, data structures, processes, and algorithms used in them are held secret, at least in part, and are not publicly available in their entirety. An analysis of Symantec's documentation and/or source code may be necessary to fully and accurately describe all infringing features and functionality of the Accused System and Method and, accordingly, Plaintiff reserves the right to supplement these contentions once such information is made available to Plaintiff. Furthermore, Plaintiff reserves the right to revise these contentions, including as discovery in the case progresses, in view of the Court's final claim construction in this action and in connection with the provision of its expert reports.

<p>transmitting notification information when the electronic content is accessed by a successive recipient to the address, wherein the address is an address other than that of an immediate sender of the electronic content.</p>	<p>aw%3D%3D/sno/0</p>	<p>The Accused System and Method transmits notification information when the software content is accessed by a client, who is a successive recipient, having received the software from a distribution computer such as a file or web server, which received the software from a computer used to develop, stage, and/or package it. Notification information is transmitted to a license/activation server, which is not the immediate sender of the content.</p> <p>Featured Products</p> <table border="1"> <tbody> <tr> <td data-bbox="507 171 670 1438">  <p>Norton 360™ Version 5.0</p> <p>Comprehensive, easy-to-use protection for your computer, your identity and your files. More Info</p> <p>\$79.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p> </td><td data-bbox="670 171 833 1438">  <p>Norton Internet Security™ 2012 (1 Year Subscription) + PC Clean Up Service (Use Within 30 Days)</p> <p>Advanced online protection and faster PC start-up. More Info</p> <p>\$64.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p> </td><td data-bbox="833 171 997 1438">  <p>Norton Internet Security™ 2012</p> <p>Advanced protection to surf, bank and shop online without interruption. More Info</p> <p>\$69.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p> </td><td data-bbox="997 171 1192 1438">  <p>Norton™ AntiVirus 2012</p> <p>Powerful protection against viruses and spyware that won't slow you down. More Info</p> <p>\$39.99 1 year protection for 1 PC</p> <p>Buy Now</p> </td></tr> </tbody> </table>	 <p>Norton 360™ Version 5.0</p> <p>Comprehensive, easy-to-use protection for your computer, your identity and your files. More Info</p> <p>\$79.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p>	 <p>Norton Internet Security™ 2012 (1 Year Subscription) + PC Clean Up Service (Use Within 30 Days)</p> <p>Advanced online protection and faster PC start-up. More Info</p> <p>\$64.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p>	 <p>Norton Internet Security™ 2012</p> <p>Advanced protection to surf, bank and shop online without interruption. More Info</p> <p>\$69.99 1 year protection for up to 3 PCs</p> <p>Buy Now</p>	 <p>Norton™ AntiVirus 2012</p> <p>Powerful protection against viruses and spyware that won't slow you down. More Info</p> <p>\$39.99 1 year protection for 1 PC</p> <p>Buy Now</p>
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		<p>http://store.norton.com/</p>				

6,751,670: SYMANTEC SOFTWARE ACTIVATION



6,751,670: SYMANTEC SOFTWARE ACTIVATION

<p>Activate Norton 360 Version 5.0</p> <ol style="list-style-type: none"> 1. Make sure that your computer is connected to Internet. 2. Start Norton 360. 3. At the right bottom corner of the Norton program window, click Activate Now. 4. Type in your Product Key. <ul style="list-style-type: none"> o Product Key is a unique 25-character alpha numeric key found on a yellow sticker on the back of the CD sleeve. For download purchase, you can find it in the confirmation email. o If your product came with your computer, you may not have to enter the Product Key. You can skip this step. 5. Click Next. 6. In the Norton Account Window, enter your email address and click NEXT. Your Norton 360 checks the existing Norton Accounts using the email address. 7. Depending on your situation, do one of the following: <ul style="list-style-type: none"> o If Norton 360 finds your Norton Account, enter the password and click SIGN IN. o If Norton 360 does not find any existing Norton Account, complete the form to create a new Norton Account, and then click NEXT. 8. Review your subscription details, and then click DONE. Your copy of Norton 360 is now activated. 	<p>https://www-secure.symantec.com/norton-support/jsp/help-solutions.jsp?docid=20100802145759EN&lg=english&ct=united+states&product=home&version=1&pvid=f-home</p>	<p>2. The method of claim 1, wherein the executable instructions further deny access until an access granting message is received in response to the successful transmission of notification information.</p>
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7,673,059: "Tracking Electronic Content"

Plaintiff accuses the provision, use and operation of Symantec Software Activation of directly infringing U.S. Patent No. 7,673,059 (the "059 patent"). The term "Accused System and Method" means Symantec Software Activation and all associated computer hardware, software and digital content.

Plaintiff further accuses Symantec of indirectly infringing the '059 Patent through providing, authorizing and instructing regarding the Accused System and Method to others, including its customers. Installing or activating the Accused System and Method and the operation thereof directly infringe the asserted claims. Symantec intends to cause infringement by its customers and users. Symantec instructs users to use the Accused System and Method in an infringing manner. Symantec further instructs users to configure and operate the Accused System and Method in an infringing manner. Symantec also provides support services for the Accused System and Method, including providing instructions, guides, online materials and technical support.

The asserted claims include elements that are implemented, at least in part, by proprietary electronics and software in the Accused System and Method. The precise designs, data structures, processes, and algorithms used in them are held secret, at least in part, and are not publicly available in their entirety. An analysis of Symantec's documentation and/or source code may be necessary to fully and accurately describe all infringing features and functionality of the Accused System and Method and, accordingly, Plaintiff reserves the right to supplement these contentions once such information is made available to Plaintiff. Furthermore, Plaintiff reserves the right to revise these contentions, including as discovery in the case progresses, in view of the Court's final claim construction in this action and in connection with the provision of its expert reports.

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2-year Download \$74.99	2-year Download \$114.99	2-year Download \$134.99
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FREE 24/7 Technical Support		

http://www.symantec.com/norton/ps/3up_nl_nl_navnis360t1.html?om_sem_cid=hho_sem_sy:us:gg:en:el_kw0000006084|6935722636&country=US

7,673,059: SYMANTEC SOFTWARE ACTIVATION

Shopping Cart > Billing & Payment > Review > Confirmation

Shopping Cart

Product Description	Operating System	Delivery	Qty	Price	Remove
Norton 360™ Version 5.0 1 year protection for up to 3 PCs	Windows 7 / XP / XPro / Vista	Download	<input type="text" value="1"/>	\$ 47.99	
↳ Norton Virus Removal Assurance 1 year subscription	Service		1	\$ 8.99	
<input style="width: 150px; margin-right: 10px;" type="text" value="Enter coupon code"/> <input type="button" value="optional"/> <input type="button" value="Apply >"/>					
Others also bought ... <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Norton™ Anti-Theft (1 Year Subscription) WAS \$ 39.99 NOW \$ 14.99 More Info <div style="text-align: right; margin-top: 10px;"> + Add to cart </div> </div>					
<input type="button" value="Continue to Secure Checkout >"/>					

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7,673,059: SYMANTEC SOFTWARE ACTIVATION

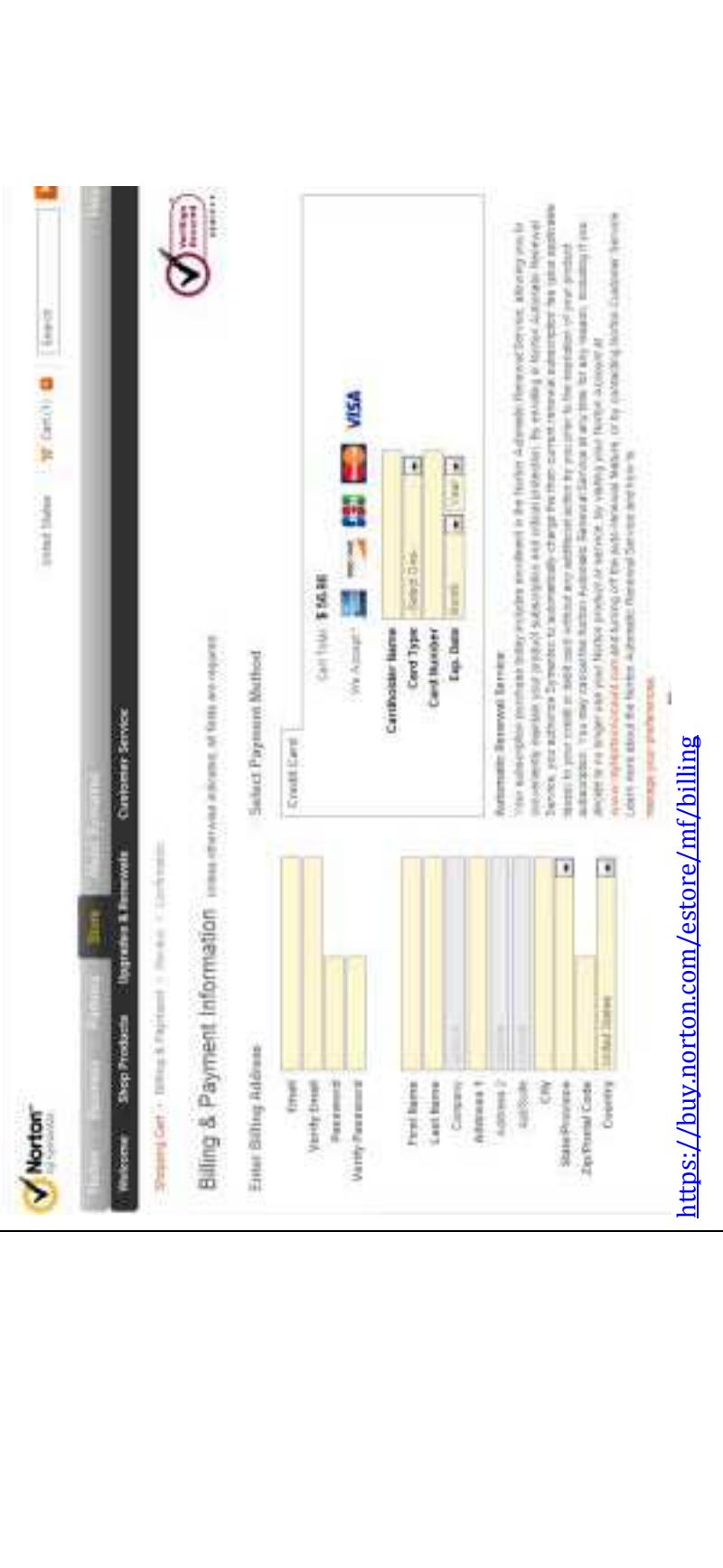
 <p>https://buy.norton.com/estore/mf/billing</p>	<p>19. The method of claim 16, further comprising the step of obtaining user information when the computer executable instructions are executed.</p> <p>The Accused System and Method obtains user information when the computer executed instructions are executed. This information may include data that identifies a user and/or the user's machine.</p>
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Exhibit B

2.7k

United States

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Norton 360

Norton Internet Security

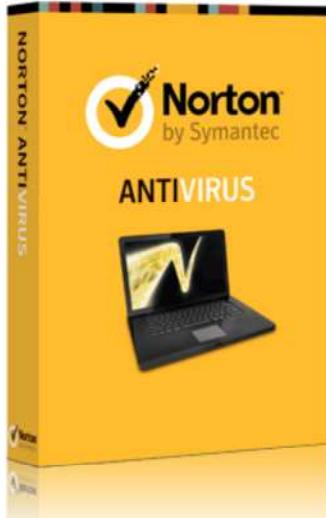
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Key Features

System Requirements

Operating Systems Supported

- Microsoft® Windows® XP (32-bit) Home/Professional/Tablet PC/Media Center (32-bit) with Service Pack 2 or later
- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate
- Microsoft Windows 8 and Windows 8 Pro (32-bit and 64-bit)

Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7/Windows 8
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}

Email scanning supported for POP3-compatible email clients

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Norton 360 Multi-Device	Norton Safe Web	
Norton Ghost		
Norton Online Backup		
Norton Utilities		
Norton Secured Seal		



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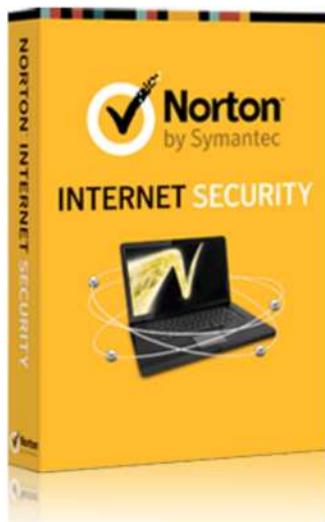
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- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate
- Microsoft Windows 8 and Windows 8 Pro (32-bit and 64-bit)

Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7/Windows 8
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Phishing Protection, Safe Search, and Password Management

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}
- Google Chrome™^{1,2}

¹As made available by Symantec within your service period.

²Supports current and the most recent previous 32-bit major releases.

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}

¹As made available by Symantec within your service period.

²Supports current and the most recent previous 32-bit major releases.

Support for Antispam

- Microsoft Outlook® 2002 or later



- Microsoft Outlook Express 6.0 or later
- Windows Mail (spam filtering only)

Email scanning supported for POP3-compatible email clients

AV-TEST Real World Protection and Remediation Testing Report, August 2012

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²Internet Explorer, Firefox, and Chrome browsers only. Supports Google, Bing, Yahoo!, and Ask search engines.

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Norton AntiVirus	Spyware and Virus Removal	Java Vulnerability
Norton One	Norton Safe Web	Windows 8 Security
Norton 360 Multi-Device		Windows 8 Apps
Norton Online Backup		
Norton Utilities		
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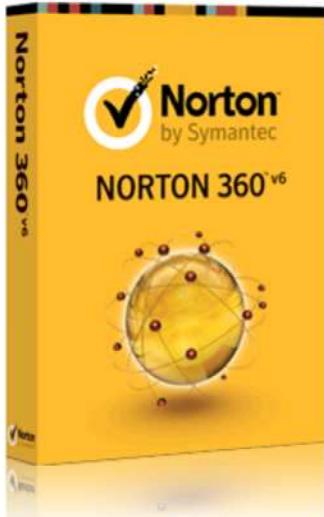
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- Microsoft® Windows® XP (32-bit) Home/Professional/Tablet PC/Media Center (32-bit) with Service Pack 2 or later
- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate

Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Phishing Protection, Safe Search, and Password Management

- Microsoft Internet Explorer® 6.0 or later (32-bit only)
- Mozilla® Firefox® 3.0 and later (32-bit only)
- Google Chrome™ browser 10.0 or higher

Support for Antispam

- Microsoft Outlook® 2002 or later
- Microsoft Outlook Express 6.0 or later
- Windows Mail (spam filtering only)

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 6.0 or later (32-bit only)
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Norton One	Norton Online Family	
Norton 360 Everywhere	Norton Safe Web	
Norton Ghost		
Norton Utilities		
VeriSign Seal		



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Exhibit C

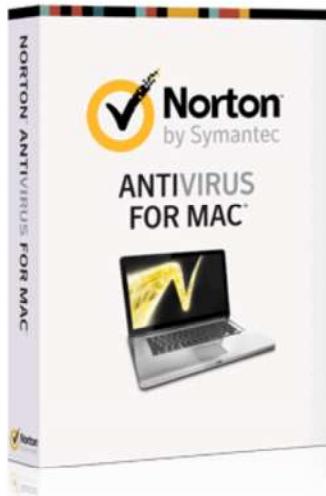
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Mac® OS X 10.7 and 10.8

Norton™ AntiVirus 11 for Mac®

Mac OS X 10.4.11 – 10.6.8 running on Intel® and Power-PC based Macs

Minimum Hardware Requirements

- Mac system with Intel® Core™ 2 Duo processor
- 2 GB of RAM (already required for Mac OS X 10.7 and 10.8)
- 1.5 GB of available hard disk space
- Internet connection required for LiveUpdate™ security updates
- CD-ROM or DVD drive (if not installing via electronic download)

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1 Year Protection: With Norton AntiVirus 12 for Mac (supporting Mac OS® X 10.7 and 10.8) you receive a license to use the product on the specified number of Macs during a renewable one year service period which begins upon initial installation and activation, together with protection updates and new product features as available throughout the service period. Product features may be added, modified, or removed during the service period.

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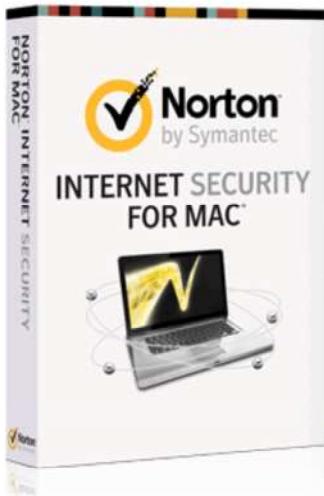
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System Requirements

Operating Systems Supported

Norton Internet Security 5 For Mac

- Mac OS® X 10.7 and 10.8

Browser Support

- Safari® 1, 2
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Norton Internet Security 4³ for Mac

- Mac OS X 10.4.11–10.6.8 running on Intel® and PowerPC-based Macs

Minimum Hardware Requirements

- Mac® system with Intel® Core 2 Duo processor
- 2 GB of RAM (already required for Mac OS X 10.7 and 10.8)
- 1.5 GB of available hard disk space
- Internet connection required for LiveUpdate™ security updates
- CD-ROM or DVD drive (if not installing via electronic download)

Instant Messaging Clients Supported for Confidential Data Filtering

- iChat® 5.x
- Microsoft® Messenger 7.0.1 for Mac
- Yahoo!® Instant Messenger 3.0 for Mac
- AIM® for Mac

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²Supports current and the most recent previous release.

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